IN THE SUPREME COURT
OF THE UNITED STATES

OCTOBER TERM, 1978

NO._____

RECEIVED
MAY 7 1979
OFFICE OF THE CLERK
SUPREME COURT, U.S.

HAJJI A.R. AHMAD,
Appellant

78-6646

vs

MICHAEL RODAK, JR., Clerk
U.S. Supreme Court

JURISDICTIONAL STATEMENT

HAJJI A.R. AHMAD

Pro Se 5538 W. Thompson St.
Philadelphia, Pennsylvania 19131
215-877-7452

THE OPINIONS BELOW

This appeal is taken from an order filed April 25,1979,by Chief Judge Wright & Circuit Judge Wilkey In The United States Court Of Appeals For The District Of Columbia Circuit in the matter of Ahmad vs Rodak,appeal case No. 79-1357,Civil Action No. 78-1584 which order reads:

"On consideration of appellant's motion under Rule 2 of the Federal Rules of Appellate Procedure requesting this Court to suspend the requirement of Rule 12 until after this Court has determined that aid to Israel from public and private sources is either constitutional or unconstitutional and that the appellant is entitled to an award in damages for injuries suffered by him in the enjoyment of constitutional rights resulting from such aid based on the papers, pleadings and information contained in the files in this case, it is ORDERED by the Court that appellant's aforesaid motion is denied, and it is further ORDERED by the Court, sua sponte, that this appeal is dismissed."

JURISDICTION

This statement is presented by the appellant in support of Jurisdiction by the Supreme Court of the United States on appeal and to show that substantial federal questions are presented. This appeal is taken pursuant to Section 1984,of Title 42,United States Code,which authorizes review in Civil Rights Cases and pursuant to Sections 1291 & 1252 of Title 28,United States Code to review a final order dismissing the appellant's appeal from a dismissal of the appellant/plaintiff's complaint and motion for injunctive relief and in the process the effect of said orders draws into question the constitutionality of certain federal statutes and constitutional provisions as applied which cause the appellant to suffer injury. The case was docketed on April 5,1979, and notice was given that the appellant must file a statement of the issues within ten days with contents of appendix and serve and file the Brief For Appellant within 40 days.On April 25,1979, the Court issued the above order dismissing the appeal. Notice of Appeal to the U.S. Supreme Court was filed in the U.S.Court of Appeals for the D.C. Circuit on May 4,1979.A motion requesting a rehearing is filed this date with the CA(D.C.) and no response has been received.

CASES BELIEVED TO SUSTAIN THE JURISDICTION

Marbury v Madison,1 Cr (5 U.S.) 137,170(1803)
Flast vs Cohen, 392 U.S. 83,99(1968)
Baker vs Carr,369 U.S. 198-215(1962)

THE VALIDITY OF THE FOLLOWING STATUTES AND CONSTITUTIONAL PROVISIONS ARE INVOLVED IN THIS APPEAL:

Section 1350,Title 28,U.S.C.
Article I,Section 8,Clauses 1,3,10 & 18,United States Constitution
The Establishment of Religion Clause of the First Amendment(USConst)
Title 18,United States Code,Sections 371,2384,954,955,956,957,958,959,960, 961,962,963,964,96[illegible]1,242 & 201
Title 22,U.S.C. Sections 2151,611,401 & 1611

Assurances from the United States Government to Israel October,1975, as part of the Sinai II Agreements between Israel & Egypt

Policy & Purposes of the Foreign Agents Registration Act of 1938,as amended

The Foreign Military Sales Act 82 Stat 1320

Assurance made to Israel by the United States Govet with relation to the sale of Military Aircraft to Israel,Egypt & Saudi Arabia May,1978

Section 170 of the Internal Revenue Code of 1954

Sections 1341-1342,of Title 18,U.S.C.
Section 1915,Title 28,U.S.C.
Section 331.21(a)(b),Vol 61,Pa Stat Anno
Title 42,U.S.C. Sections 1981,1983,1984,1985(2)(3),1986 & 1988

THE FULL TEXT OF THE ABOVE ARE ATTACHED TO THE NOTICE OF APPEAL APPENDED HERETO.

QUESTIONS PRESENTED BY THIS APPEAL

Do the papers submitted to the Clerk of the U.S.Supreme Court on July 21,1978,by the appellant comply with the applicable rules of the Supreme Court and did the lower Courts act in abuse of discretion by sua sponte dismissals of the Complaint and appeal without making such a determination and by failing to determine the question presented in the papers submitted for filing which is; does aid to Israel from public and private sources violate the United States Constitution and is the appellant entitled to an award in damages for injuries suffered by him in the enjoyment of his constitutional rights resulting from such aid? The appellant answers these questions YES.

A CONCISE STATEMENT OF THE CASE

The appellant submitted a Jurisdictional Statement for filing with a motion for leave to proceed in forma pauperis S Ct Rule 53,on July 21,1978. The documents were returned and the appellant filed an action in the US District Court (D.C.) Civil Action 78-1584,requesting the Court to determine if the documents did in fact comply with the Rules and if the act of the clerk in returning them was an act in abuse of discretion and an act of discrimination. The question presented in the said Jurisdictional Statement challenges the constitutionality of aid to Israel and seeks damages from injuries suffered by the appellant from such aid. The action was dismissed Aug 25,1978,by the District Court and the Court of Appeals dismissed the appeal on April 25,1978. No brief was filed in the case and the respondent never made an appearance.The questions presented in the case were never answered.A complete statement of the case is presented in the attached Notice of Appeal appended hereto. Also included in Appendix i is copy of a letter from the U.S. Court of Appeals to the petitioner dated February 8,1979,which shows that the Rule 2 motion which was the basis of the court's dismissal was denied and withdrawn prior to the case being docketed and was not before the Court for consideration.The motion for leave to docket to the appeal the time having expired was favorably ruled upon and the case was docketed as case no. 79-1357. Also included in appendix i is copy of the statutory notice providing for the filing of the brief for the appellant,a right which the appellant has been denied by the April 25,1979,order of dismissal. Also included in appendix i is a copy of the affidavit filed by the appellant in response to the February8,1979,letter.

APPENDIXs i & j Attached which includes the Notice of Appeal to the U.S.Supreme Court filed May [illegible],1979 as j.

CONCLUSION

In consideration of the foregoing, appellant submits that this appeal brings before the court substantial and important questions which require plenary consideration with briefs on the merits and oral argument for their resolution and that this Court should expedite this case by advancing it on the claendar for noting probable jurisdiction.

Respectfully submitted,

HAJJI A.R. AHMAD,
Appellant,pro se.

IN THE UNITED STATES SUPREME COURT

OCTOBER TERM 1978

NO._____

HAJJI A.R. AHMAD,
Appellant

vs

MICHAEL RODAK,JR.,

JURISDICTIONAL STATEMENT APPENDIX I

CONTENTS

ORDER filed April 25,1979,CA(D.C.) which dismissed the appeal.

Letter Dated Feb 8,1979,from US Ct of Appeals to the Appellant.

Affidavit of Appellant to US Ct of Appeals

Notice giving docket no. and date of docketing;79-1357,April 5,1979.

ORDER District Ct filed August 25,1978,which dismissed the case.

Memorandum Opinion District Ct filed Aug 25,1978.

ORDER District Ct denying application to proceed in forma pauperis,10/5/78.

ORDER District Ct of Oct 5,1978, which denies motion for reconsideration.

Ct of Appeals Order of Dec 27,1978,permitting the filing of certain documents.

ORDER filed by The U.S.Supreme Court Jan 15,1979,dismissing case no. 78-5631 for want of jurisdiction.

DATED MAY 4,1979

Hajji A R Ahmad

HAJJI A.R. AHMAD
5538 W.Thompson St
Phila.,Pa. 19131

215-877-7452

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 79-1357 September Term, 19

Civil Action No. 78-1584

Hajji A. R. Ahmad,
Appellant

v.

Michael Rodak, Jr., Clerk,
Supreme Court of the United
States, Office of the Clerk

United States Court of Appeals
for the District of Columbia Circuit

FILED APR 25 1979

GEORGE A. FISHER
CLERK

BEFORE: Wright, Chief Judge; Robinson and Wilkey,
Circuit Judges

O R D E R

On consideration of appellant's motion under Rule 2 of the Federal Rules of Appellate Procedure requesting this Court to suspend the requirement of Rule 12 until after this Court has determined that aid to Israel from public and private sources is either constitutional or unconstitutional and that the appellant is entitled to an award in damages for injuries suffered by him in the enjoyment of his constitutional rights resulting from such aid based on the papers, pleadings and information contained in the filed in this case, it is

ORDERED by the Court that appellant's aforesaid motion is denied, and it is

FURTHER ORDERED by the Court, sua sponte, that this appeal is dismissed

Per Curiam

Circuit Judge Robinson did not participate in this order.

GEORGE A. FISHER
CLERK

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
WASHINGTON, D. C. 20001

February 8, 1979

Mr. Hajji A. R. Ahmad
5538 W. Thompson Street
Philadelphia, Penn 19131

RE: No. 78-8086 - In Re: Hajji A. R. Ahmad,
(Civil Action No. 78-1584)

Dear Mr. Ahmad:

Reference is made to your motion under Rule 2 of the Federal Rules of Appellate Procedure requesting this Court to suspend the requirement of Rule 12 until after this Court has made certain determinations.

Our records reflect in Miscellaneous Number 78-8086 that you submitted a motion for leave to file a petition for writ of mandamus in forma pauperis which was considered by a division of this Court and denied.

I have been instructed to advise you that there is no provision under the Federal Rules of Appellate Procedure for "conditional" docketing of an appeal in this Court prior to the payment of the fee fixed by the Judicial Conference of the United States unless the party has been otherwise permitted to proceed. Accordingly, unless otherwise instructed by you to the contrary, within fifteen (15) days from the date of this letter, your motion will be treated solely as a motion to docket appeal, time having expired.

Very truly yours,

George A. Fisher,
Clerk

BY: Daniel M. Cathey
Daniel M. Cathey
First Deputy Clerk

DMC:mae

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NO. 78-8086

HAJJI A.R. AHMAD,
Petitioner

September Term, 1978
D.C. Civil Action No. 78-1584

vs

HONORABLE JUNE L. GREEN,Judge
U.S.Dist. Ct.(D.C.)

AFFIDAVIT OF PETITIONER FILED IN RESPONSE
TO THIS COURT'S LETTER OF INQUIRY DATED APRIL 9,1979,
REQUESTING THE CLERK TO OFFICIALLY FILE AND DOCKET
THE WRIT OF MANDAMUS APPLICATION PREVIOUSLY PAID FOR

HAJJI A.R. AHMAD,being duly sworn according to law deposes and says:

(A) that I am the plaintiff/petitioner/appellant in the above captioned case and that I make this statement in response to a letter of inquiry addressed to me from the office of the clerk of this Court,dated April 9,1979,an original copy of which is attached hereto as EXHIBIT A;

(B) that the information contained in said Exhibit A is as follows:

"RE:No.78-8086 -RE: HAJJI A.R. AHMAD

Dear Mr. Ahmad:

Reference is made to the American Express Money Order No. 55-464-662-876 in the amount of fifty dollars ($50.00) which you submitted for payment for filing of your Petition for Writ of Mandamus which the Court denied leave to file in forma pauperis.

I have been instructed to advise you that in consideration of the matter the Court looked not only to your financial status but also to the merits of your Petition for Writ of Mandamus. Therefore, we can offer no assurance that the result of paying the fifty dollar ($50.00) docketing fee and officially filing the Petition for Writ of Mandamus on a regular docket would be any different than denial.

Your appeal has been docketed and assigned No. 79-1357 and your prior motion was filed. The fifty dollar ($50.00) money order which you sent in January was used to pay that docketing fee.

Please let me know, within ten (10) days, if you want to spend the remaining fifty dollar ($50.00) money order.

Signed by: Daniel M. Cathey,First Deputy Clerk;

(C) that the clerk is hereby instructed to file and docket the Petition for Writ of Mandamus and pay for it with the money order submitted to you for that purpose and the Court is hereby requested to consider the following information and based upon said information and other facts,information and evidence on record issue the requested Writ.

SECTION I.

I,HAJJI A.R. AHMAD DO HEREBY WITHDRAW ALL CLAIMS FOR DAMAGES PRESENTED IN THIS MATTER IN THE AMOUNTS DESIGNATED AS $ONE BILLION DOLLARS,FIVE BILLION DOLLARS,TEN ### BILLION,TWO HUNDRED & FIFTY BILLION DOLLARS AND ALL SUCH DEMANDS AND WHERE MENTIONED THE FOLLOWING STATEMENT IS SUBSTITUTED:

"PLFF REQUESTS THIS COURT TO FIND IN ITS ORDER AN AWARD IN MONEY DAMAGES AGAINST THE DEFENDANT FOR THE PLFF BASED UPON THE FACTS AND THE EVIDENCE IN THIS CASE IN SUCH AN AMOUNT AS THIS COURT MAY DEEM JUST,REASONABLE PROPER CONSIDERING THE AMOUNT IN CONTROVERSY EXCEEDS $10,000.00 (ten thousand dollars) PLUS COSTS AND INTEREST."

In light of the above statement the petitioner respectfully requests this Court to find the following facts:

1.This action was initiated by the petitioner,Hajji A.R. Ahmad on Aug 22,1978, brought on his own behalf and on behalf of the other parties to the appeal to the United States Supreme Court from the order issued June 16,1978, byy The U.S. Court of Appeal For the Third Circuit which granted petitioner's motion for leave to proceed on appeal in forma pauperis and dismissed the appeal as "frivoulous under the federal statute".

2. The complaint alleges discrimination on the basis of (a)race;petitioner is was born as a negro but rejects the charcterizations of "negro,black & colored" as "fighting words" and claims to be "Arab-American"; (b) religion;petitioner is of the Muslim religion and claims rights of association to represent followers of said religion with regard to issues which cause injury to Muslims as a class; (c) national origin;petitioner was born in America and claims that Muslims born in the United States are discriminated against in favor of followers of of other religions born in America.Petitioner's son,was born in Egypt and has Egyptian and Pennsylvania citizenship and petitioner has been named administrator of the estate of said son on whose behalf a claim is asserted under Section 1350,Title 28,United States Code for violations of the laws of nations whoch injure the petitioners and causes injury to him/them as taxpayers.

3. The complaint alleges that on two occasions,July 12,1978 and again on July 24, 1978,the defendant named in the complaint,Michael Rodak,Jr,Clerk of the U.S. Supreme Court refused to file documents submitted for filing pursuant to S.CT. Rule 53(1)(2) upon presentation of which the clerk is required by S Ct Rule 53(3) to file and docket without prepayment of costs or giving security therefor thus depriving the petitioner of federal rights and impairs wilfully the ability of the petitioner to enjoy first amendment rights involving freedom to petition for redress of grievances,rights of due process and equal protection of the law. In support of the contention that said refusals were motivated by wilfull intent to discriminate petitoner ### claims that the papers submitted for filing complied with the requirements of the Court's rules.

4. The Jurisdictional Statement subaitted on both occasions to the U.S. S.Ct. for filing were submitted under the provisions of S.Ct.Rule 15,para.3, which permits the filing of a single jurisdictional statement where several cases are appealed that involve identical or closely related questions and the identity of the cases combined in said jurisdictional statement were all filed by me and I a m named plaintiff in all of them excepting one. The said actions are as follows: (filed by me or on my behalf)

AHMAD v BLACK, No. 75-1829 (E.D.Pa.) (civil rights action,commenced June 26,1975, to compel attorneys to file employment discrimination action and to compel their removal from the case;action dismissed, lack of prosecution,June 21,1977);

AHMAD v INDEPENDENT ORDER OF FORESTERS, No.75-1851 (E.D.Pa.)(employment discrimination action commenced June 27,1975,in apparent response to Ahmad v Black);

AHMAD V LEVI, No. 75-2550 (E.D. Pa.) (civil rights action, commenced September 9,1975, seeking $50 billion in damages from U.S. Attorney General and private defendants and injunctive relief barring further U.S. support for Israel and compelling news media to publicize the alleged illegality of U.S. support for Israel;action dismissed with prejudice June 10,1976,414 F. Supp. 597);

AHMAD v FORD , No. 76-110 (D.D.C.) (civil rights action,commenced Jan 20,1976, seeking over $250 billion damages from 84 private and public defendants,including the President, the Attorney General, Judge Higginbotham and boxer Muhammad Ali, and further seeking equitible relief; action dismissed Jan 21,1976 after hearing on TRO motion);

AHMAD v HOLMES,et al., No. 76-256 (E.D.Pa.) (civil rights action, commenced Jan 27,1976,seeking $10 million damages and other relief from plaintiff's probation officers and from a hospital arising out of probation officers' refusal to issue multiple travel permits to prosecute Ahmad v Ford and hospital's improper treatment of plaintiff's son;action dismissed without prejudice, November 29,1976);

AHMAD v BURKE,et al., No. 77-327 (E.D.Pa.) (civil rights action commenced Jan 27,1977, seeking $750,000 damages from state parole officers and others arising out of officers' refusal to issue multiple travel permits to prosecute Ahmad v Ford ,and their arrest of him as a parole violator;summary judgement granted for defendants March 31 and July 18,1978);

AHMAD v AYTCH,et al., No. 78-793 (E.D.Pa.) (civil rights action commenced March 9,1978,seeking $20,000 damages from officials and employees of Philadelphia prison system and medical examiner's office for wrongful death of plaintiff's son while in prison and autopsy subsequently performed on son);

ALLEN v COMMISSIONER OF INTERNAL REVENUE,Tax Court Docket No.11352-77,commenced Nov,1977,contesting a deficiecy in the income tax of the petitioner for the year 1975,challenging the taxing and spending powers of Congress with regard to injuries complained of by Muslims sustained from taxpayers' money spent in support of armaments and support of the Jewish State of Israel and the constitutionality of Section 170 of the IRC as applied.Action dismissed March 1,1979.

5.None of the cases have been heard by any appellate court and none of the issues and questions presented by the circumstances of the case cited in 4 have been determined.

6.The originals of the documents submitted to the defendant for filing are filed with the complaint and affidavit of Hajji A.R. Ahmad filed Aug 22,1978, in part and the balance on Sept 1,1978.

7.The petitioner filed with the complaint a motion for an injunction to compel the defendant, a federal officer to do a duty owed to the petitioner under paragraph 3 of S Ct Rule 53 and paragraphs 5,7,8,66,68,69,74 and 77 of the complaint are related in that cases are cited in each of them in support of the complaint.

8.Paragraphs 66 through 77 of the complaint ARE devoted to allegations regarding standing to sue.

9. The complaint presents eleven causes of action,numbered paragraphs 78 through 88.

10.The petitioner filed on Aug 22,1978 a Memorandum of Law In Support of the motion for an injunction and in support of the complaint.

11.Aug 22,1978, the petitioner filed a motion for class determination pursuant to the provisions of Rule 23(c)(1)FRCP.

12. Aug 22,1978, summons issued and the defendant was served the summons and complaint and service was made upon the United States even though no proof of service was filed.

13. Aug 25,1978,a Memorandum Opinion was filed in this matter the sum total of the information contained therein follows:

"Plff's Affidavit in Support of Motion for Restraining Order without Notice to Adverse Party" alleges that " These documents (jurisdictional statements and supporting documents) in form and content comply substantially with the Rules of the Supreme Court." Plff's own allegations make it clear that he is not entitled to the principle relief sought, an order directing defendant to place plff's appeal on the Supreme Court docket. Substantial compliance provides an insufficient basis for the Court to grant any of the requested relief. Accordingly, this case must be dismissed.
An appropriate order is entered herewith. Signed June L.Green,Judge."

14. Based upon the Opinion cited above the Court filed an order on Aug 25,1978, as follows:"Upon consideration of plaintiff's request for money damages, injunctive and declaratory relief, affidavits and memorandum of law, and it appearing that plff is not entitled to the relief requested, it is by the Court this 25th day of Aug 1978, ORDERED, sua sponte, that this action be dismissed." Signed June L,Green,Judge.

SECTION II.

The clerk of this Court in Exhibit A raises the fears of the petitioner that foul play is afoot by failing to file and docket the Petition For A Writ of Mandamus pursuant to the request submitted almost two months ago with the referenced money order. I believe and therefore allege that the clerk of this Court has thereby acted in abuse of lawful authority by so acting and ,I submit documents to the Court for filing in order that they may be filed and that the Judges of the Court may pass upon them and I care not to have the clerk making such judgements as to how I spend my money,it is not a proper concern of his. I suspect that this capricious concern is an attempt to employ a stratagem whereby I will not file the Writ and the clerk will then be in a position to spoil my appeal under color of the authority conferred upon him by this Court pursuant to Rule 8 of this Court to refuse to accept my brief for filing ,under the pretext that it does not comply with the rules of this Court. Past experince in this matter tends to show that the petitioner has no redress in such circumstances and any opportunity to have a decision by the Judges on the merits is precluded.For this reason specifically,it is imperetive that this writ be issued and a response in writing to the charges made herein be submitted.The record shows that the petitioner has good reason for such suspicions. The petitioner refers specifically to documents filed in this matter with a motion to expedite consideration wherewith documents were submitted which were filed in the case of AHMAD,et al., v RODAK,et al., No. 78-3555 (E.D.Pa.)a civil rights action based upon the actions of the defendants named therein who falsified the dates of delivery/receipt of documents submitted by mail for filing in this matter Sept 1,1978.Said documents are incorporated here by reference.

SECTION III.

The information in this section has to do with the statement in Exhibit A which alleges;"I have been instructed to advise you that in consideration of the matter the Court looked not only to your financial status but also to the merits of your Petition for Writ of Mandamus."

With regard thereto I state:

1.that the above statement is the first and only indication given that the submitted Petition was considered on the merits or that consideration was given to my financial condition.

2.that the Court's order simly says,"DENIED" without any opinion or citing any reason therefor,which conflicts with the practices and principles applied in this Court in other cases and deprives me of the established right to know why any such refusal.

3. that this Court has determined that;"If court finds that allegations of poverty are untrue or that action is frivolous or malicious, it may dismiss case, but in so doing it should clearly state grounds for such action."

Ragan v Cox (1962,CA 10 Kan) 305 F2d 58.

4. that I have no way of knowing that the documents and papers filed in this matter have ever been submitted to and reviewed by Judges of this Court as the orders issued by the court in this matter fail to indicate any familiarity by a statement of facts or any statement of the case.With regard thereto I have read the Court's opinion which states;

"It is not burden of one seeking leave to appeal in forma pauperis.... to show that his appeal has merit in sense that he is bound or even likely, to prevail ultimately; he is to be heard....if he makes rational argument on law or facts; government has burden to show that appeal is so lacking in merit that court would dismiss case on the Government's motion if case had been docketed and record had been filed by appellant able to afford expense of complying with such requirements."

Coppedge v United States,(1962) 369 US 438,8 L Ed 2d 21,82 S Ct 917.

5. that the Court has forbidden arbitrary decisions in such matters and in the case of..Boruski v Stewart (1974,DC NY)381 F.Supp 529, set forth the test of frivolity which must be met by any Court to be applied whenever an application for leave to proceed in forma pauperis under Section 1915,Title 28,U.S.C.

6. that the order of the diatrict Court in this matter which denied my leave application to proceed in forma pauperis made no such showing.

7. that the failure of the Court in this matter to allow to the petitioner the full and equal enjoyment of all laws and proceedings as are enjoyed by white persons and described herein adds to the cost of prosecuting this matter and I am forced to pay the Extra fifty dollars in order to have the judges of this court to pass upon the merits in this case and show by stating facts and based upon the record the basis of any decision in this matter.

The above statement is true.

SWORN & SUBSCRIBED BEFORE NOTARY & DATED: 4/16/79

HAJJI A.R. AHMAD,pro se

5538 W. Thompson St.
Phila.,Pa. 19131

215-877-7452

(NOTE* SUBMITTED FOR FILING APRIL 16,1979,
BY EXPRESS MAIL NO. B 8749897
NEXT DAY SERVICE)

Sworn to and subscribed before me
this 16th day of April 1979

MICHAEL P. J. MATTIA
Notary Public, Philadelphia, Philadelphia Co.
My Commission Expires October 1, 1979

GEORGE A. FISHER
CLERK

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
WASHINGTON, D. C. 20001

April 9, 1979

Mr. Hajji A. R. Ahmad
5538 W. Thompson Street
Philadelphia, Penn 19131

RE: No. 78-8086 - IN RE: Hajji A. R. Ahmad

Dear Mr. Ahmad:

Reference is made to the American Express Money Order No. 55-464-662-876 in the amount of fifty dollars ($50.00) which you submitted for payment for the filing of your Petition for Writ of Mandamus which the Court denied leave to file in forma pauperis.

I have been instructed to advise you that in consideration of the matter the Court looked not only to your financial status but also to the merits of your Petition for Writ of Mandamus. Therefore, we can offer no assurance that the result of paying the fifty dollar ($50.00) docketing fee and officially filing the Petition for Writ of Mandamus on a regular docket would be any different than denial.

Your appeal has been docketed and assigned No. 79-1357 and your prior motion was filed. The fifty dollar ($50.00) money order which you sent in January was used to pay that docketing fee.

Please let me know, within ten (10) days, if you want

to spend the remaining fifty dollar ($50.00) money order.

Very truly yours,

George A. Fisher,
Clerk

BY: Daniel M. Cathey
Daniel M. Cathey
First Deputy Clerk

DMC:mae

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

HAJJI A.R. AHMAD
Petitioner

vs

HONORABLE JUNE L. GREEN, Judge
U.S. Dist Ct(D.C.)

NO. 78-8086

Sept Term, 1978

D.C. Civil Action No. 78-1584

PROOF OF SERVICE OF AFFIDAVIT

HAJJI A.R. AHMAD, being duly sworn according to law deposes and says:

that I have placed in the United States Mail this date a copy of the attached affidavit with 4xhibit for the respondents named herein, addressed as follows:

HONORABLE JUNE L. GREEN
Judge U.S. District Court (D.C.)
Federal Court House
3rd & Constitution Aves., N.W.
Washington, D.C. 20001

&

Earl J. Silbert, Esq
U.S. Atty (D.C.)
Rm 3136-C Fed Ct Hse
3rd & Constitution Ave
Washington, D.C. 20001.

SWORN & SUBSCRIBED BEFORE NOTARY & DATED: Hajji A.R. Ahmad

HAJJI A.R. AHMAD
5538 W. Thompson St.
Phila., Pa. 19131
215-877-7452

Sworn to and subscribed before me
this 16th day April 1979
Michael P. J. Mattia

MICHAEL P. J. MATTIA
Notary Public, Philadelphia, Philadelphia Co.
My Commission Expires October 1, 1979

GEORGE A. FISHER
CLERK

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
WASHINGTON, D. C. 20001

Hajji A.R. Ahmad
5538 W. Thompson St.
Phila. Penna. 19131

ALL FILINGS MUST CONTAIN:
1. Signature of Member of this Bar.
2. Firm Name
3. Address
4. Phone Number

You are hereby notified that the original - ~~supplemental~~ record in Case No. 78-1357 Ahmad vs Kodak (Work- U.S. Supreme Ct was docketed April 5, 1979.

Pursuant to Rules 30 and 31(a) of the Federal Rules of Appellate Procedure, appellants' brief and appendix shall be filed within 40 days from the date the original record (or preliminary record) is filed.

I would like to take this opportunity to call your attention particularly to the attached rules of this Court, with which many counsel appear to be unfamiliar.

MOTIONS

Rule 6(e) of the General Rules of this Court requires that motions filed in this Court be on letter size paper and shall not be backed.

BRIEF AND APPENDIX

In addition to the form and content of briefs as required by the Federal Rules of Appellate Procedure, briefs submitted for filing must also comply with the provisions of Rule 8 of the General Rules of this Court, a copy of which is attached hereto.

The Court has directed that briefs not in compliance with the provisions of the Federal Rules of Appellate Procedure and of the General Rules of this Court shall be rejected for filing.

INFORMATION

If you have any procedural questions, our general information telephone number is (202) 426-7182. We will be happy to assist you any time with you questions. However, it has been our experience that most questions can be answered by referring to the Federal Rules of Appellate Procedure and the General Rules of this Court.

Very truly yours,
George A. Fisher
GEORGE A. FISHER
Clerk

Enclosures

RULE 8 OF THE GENERAL RULES OF THIS COURT

FORM OF PRINTED BRIEFS, APPENDICES, PETITIONS, AND MOTIONS (See Rule 32, Federal Rules of Appellate Procedure)

(a) CLERK SHALL REFUSE TO FILE IF NOT PRINTED IN CONFORMITY WITH FEDERAL RULES OF APPELLATE PROCEDURE. The clerk shall refuse to file any brief and appendix which has been printed otherwise than in conformity with the Federal Rules of Appellate Procedure. The printed briefs and appendices must be clear and legible and, in default of this requirement, shall be rejected by the clerk.

(b) CONTENTS OF BRIEF. In addition to the requirements of Rule 28, Federal Rules of Appellate Procedure, at the bottom of the statement of issues presented for review, counsel shall indicate whether or not the pending case was previously before this Court or before any other court under the same or similar title and the name and number of such prior case. Counsel shall also indicate any other related cases of which he is aware, either presently pending in this Court or in any other court, or that may be presented to this Court or to any other court in the future. The purpose of this requirement is to enable the Court to determine whether the instant case should be assigned to a particular division of the Court, or to a new division chosen by lot, and to consider what disposition should be made of the case. For the purposes of this Rule: (i) the phrase "any other court" means any other United States Court of Appeals or any other court (whether federal or local) in the District of Columbia; and (ii) the phrase "any other related cases" means cases involving the same parties and the same or similar issues, or involving parties similarly situated and the same or similar issues, as the pending case.

Counsel shall place asterisks in the left margin of the Table of Cases to mark those cases or authorities on which counsel chiefly rely and shall add at the end of the table:

*Cases or authorities chiefly relied upon are marked by asterisks.

In all briefs wherein the argument portion extends beyond twenty pages, regardless of whether the brief is printed or is reproduced by other methods, there shall be included as a part of the brief immediately preceding the argument portion, a summary of argument, suitably paragraphed, which should be a succinct, but accurate and clear, condensation of the argument actually made in the body of the brief. It should not be a mere repetition of the headings under which the argument is arranged. The summary of argument shall not be considered part of the brief for purposes of the page limitations imposed by Rule 28(g), Federal Rules of Appellate Procedure.

(c) CERTIFICATE OF COUNSEL. In all civil and agency cases a certificate shall be furnished by counsel of record for all private (non-government) parties, including specifically all appellants (petitioners) and all appellees (respondents), as well as all intervenors and amici, setting forth a complete list of all parties and amici who have appeared below. In cases where a corporation is a party or amicus, the certificate of counsel for that party or amicus shall also list all parent companies, subsidiaries and affiliates of that party or amicus. Such certificate also shall indicate which parties and amici are in support of the appellant (petitioner), which are in support of the appellee (respondent), and which are taking a position apart from those of the appellant (petitioner) and appellee (respondent). This certificate shall be incorporated on the first page of each brief before the table of contents or index. The purpose of this certificate is to enable the Judges of this Court to evaluate possible disqualification or recusal and the time and alignment of parties for oral argument The form of the certificate shall be as follows:

"Number and Title of Case
Certificate required by Rule 8(c) of the General Rules of the United States Court of Appeals for the District of Columbia Circuit:

The undersigned, counsel of record for _____, certifies that the following listed parties and amici (if any) appeared below:

(Here list all names of all such parties and amici (in addition, counsel for a party or amicus which is a corporation shall here list all parent companies, subsidiaries and affiliates of that corporation), and indicate the position the respective parties and any amici take with regard to the Order(s) or Judgment(s) under appellate review.)

These representations are made in order that Judges of this Court, inter alia, may evaluate possible disqualification or recusal.

Attorney of record for _____."

(d) STATUTES AND REGULATIONS. In addition to the requirements of Rule 28 of the Federal Rules of Appellate Procedure, the brief of the appellant shall contain the provisions of the statutes and regulations involved in the case. These may be set forth in an appendix or addendum to the brief, or in a separate pamphlet or pamphlets of which at least three copies are lodged with the brief. If they are set forth in the brief proper, they shall be contained in a section immediately following the section headed "References to Parties and Rulings," captioned "Statutes and Regulations".

The foregoing provisions shall also apply to petitions for review of rulings and orders of Administrative Agencies.

(e) REFERENCES TO PARTIES AND RULINGS. In addition to the requirements of Rule 28, Federal Rules of Appellate Procedure, appellant's brief shall contain a section immediately preceding the statement of the case which shall be headed "Reference to Parties and Rulings". In this section counsel shall make such references as may be feasible identifying any opinion, memorandum, findings and conclusions or other oral or written ruling in which the court set forth the basis of the order or judgment presented for review by this court. The references shall identify the judge involved and the date of the ruling. The reference should also include reporter citations when available, and page references in the appendix of the parties or reporter's transcript.

If there are any parties to the litigation whose identity is not revealed by the caption on appeal, appellant shall set forth the names of all the parties.

The foregoing provision shall also apply to petitions for review of rulings and orders of Administrative Agencies.

(f) CITATIONS IN BRIEFS. In citing a decision of this court which has been published the references shall include the year of decision and the volume and page of the U.S.App. D.C. reports if the decision was reported subsequent to 1941, or the Appeals, D.C., report if the case was reported in 1941 or prior thereto, as well as the volume and page of the Federal Reporter wherein the same has been published; e.g., Thompson v. Deal, 67 U.S.App. D.C. 327, 92 F.2d 478 (1937); Walker v. United States, 124 U.S.App.D.C. 194, 363 F.2d 681 (1966). All citations of state court decisions included in the National Reporter System shall be to the Reporter System and, if official state court reports or citations thereof are available to the parties or to counsel, then to the official reports; e.g., Hale v.

...re, 175 Md. 319, 2 A.2d 17 (1938). Unpublished orders including explanatory memo-
...nda of this court are not to be cited in briefs or memoranda of counsel as precedents.
...owever, counsel may refer to such orders and memoranda for such purposes as applica-
...ion of doctrines of res judicata, collateral estoppel and law of the case, which turn
...n the binding effect of the judgment, and not on its quality as precedent.

(g) CITATION OF ADDITIONAL AUTHORITIES. When pertinent and significant authorities
...ome to the attention of a party after his brief (or memorandum on a motion) has been
...iled, or after oral argument but before a decision, a party may, without obtaining
...pecial leave of court, supplement his brief by letter to the clerk of this court, three
...3) extra copies to the clerk, and copy to adversary counsel, setting forth the cita-
...ions. There shall be a reference either to a page of the brief or to a point orally
...rgued to which the citations pertain, but the letter shall contain no argument or
...xplanations. Additional authorities must be submitted no less than 10 days prior to
...ral argument unless they were published within the 10 days period.

(h) LENGTH OF BRIEFS AND EXTENSIONS OF TIME FOR FILING. Length of briefs shall be
...overned by the provisions of Rule 28(g), Federal Rules of Appellate Procedure. All
...otions requesting permission to exceed the page limitations set forth in said Rule
...r to extend the time for filing briefs must be filed not less than 10 days before the
...ain briefs are due to be filed and not less than 5 days before a reply brief is due.

The court looks with disfavor upon motions to exceed the page limitation and such
motion will only be granted for extraordinary and compelling reasons.

Should it be necessary to file a motion for extension of time to file a brief with-
...n this ten day period an attorney requesting leave to file such a motion shall advise
...ther counsel in advance and recite in his motion whether other counsel consent or object
...nd whether they intend to file an opposition.

(i) TYPEWRITTEN OR MIMEOGRAPHED BRIEFS. A party, other than one who have been
...llowed to appeal in forma pauperis, who desires to be allowed to file a brief and
...ppendix in typewritten (or mimeographed) form rather than the form prescribed by Rule
..., Federal Rules of Appellate Procedure shall file a motion accompanied by an affidavit
...ating whether he is employed, and, if so, the amount of his wages or salary, and set-
...ng forth his financial condition, or otherwise making an appropriate showing to justify
...e relief sought. Such application or motion shall be filed within 5 days after the
...cord is filed, unless excusable neglect for failure to file same within that time be
...own.

(j) NUMBER OF BRIEFS REQUIRED IN NON-INDIGENT APPEALS. The clerk of this court is
...reby authorized to accept fifteen (15) copies of briefs in non-indigent appeals as sub-
...antial compliance with Rule 31(b) of the Federal Rules of Appellate Procedure. In the
...ent a suggestion for rehearing en banc is filed, counsel shall furnish nine (9) addi-
...onal copies of their briefs.

FILED

AUG 25 1978

JAMES F. DAVEY, Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAJJI A.R. AHMAD :

Plaintiff :

v. : Civil Action No. 78-1584

MICHAEL RODAK, JR. : [redacted]

Defendant : EXHIBIT O

ORDER

Upon consideration of plaintiff's request for money damages, injunctive and declaratory relief, affidavits and memorandum of law, and it appearing that plaintiff is not entitled to the relief requested, it is by the Court this 25th day of August 1978,

ORDERED, sua sponte, that this action be dismissed.

JUNE L. GREEN

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

AUG 25 1978

JAMES F. DAVEY, Clerk

HAJJI A.R. AHMAD :

Plaintiff :

v. : Civil Action No. 78-1584

MICHAEL RODAK, JR. :

Defendant :

EXHIBIT N

MEMORANDUM OPINION

Plaintiff's "Affidavit in Support of Motion for Restraining Order Without Notice to Adverse Party" alleges that "[t]hese documents [jurisdictional statements and supporting documents] ... in form and content comply substantially with the Rules of the Supreme Court." Plaintiff's own allegations make it clear that he is not entitled to the principal relief sought, an order directing defendant to place plaintiff's appeal on the Supreme Court docket. Substantial compliance provides an insufficient basis for the Court to grant any of the requested relief. Accordingly, this case must be dismissed.

An appropriate order is entered herewith.

JUNE L. GREEN
U.S. District Judge

Dated: August 25, 1978

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAJJI A. R. AHMAD :

Plaintiff :

v. : Civil Action No. 78-1584

MICHAEL RODAK, JR. :

Defendant :

FILED

OCT 5 1978

JAMES F. DAVEY, Clerk

ORDER

Upon consideration of plaintiff's motion for reconsideration of the Court's sua sponte dismissal of this action, said motion dated September 1, 1978 but received in Court on September 19, 1978, it is by the Court this 5th day of October 1978,

ORDERED that plaintiff's motion is hereby denied both on the merits and because it is out of time.

JUNE L. GREEN
U.S. District Judge

EXH. B

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
for the District of Columbia Circuit

FILED DEC 27 1978

No. 78-8086 September Term, 19

In Re: Hajji A.R. Ahmad, Petitioner — Action No. 78-1584

O R D E R

The Clerk is directed to file appellant's motion for leave to file a single copy of Exhibits A, B, C and D to the petition for rehearing and on consideration thereof, it is

ORDERED that appellant's aforesaid motion is granted.

For the Court:

GEORGE A. FISHER, Clerk

By: Robert A. Bonner
Robert A. Bonner
Chief Deputy Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

January 15, 1979

Hajji A. R. Ahmad
5538 Thompson Street
Philadelphia, PA 19131

RE: Hajji A. R. Ahmad
v. Michael Rodak, Jr., Supreme Court of
of the United States
No. 78-5631

Dear Mr. Ahmad:

The Court today entered the following order in the above-entitled case:

The appeal is dismissed for want of jurisdiction.

Very truly yours,

Laurence P. Gill
Deputy Clerk